

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)

333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)

Joshua M. Stein (SBN 298856)
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800
mpritt@bsfllp.com
jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)

1401 New York Ave, NW
Washington, DC 20005
(202) 237-2727
jpanuccio@bsfllp.com

Joshua I. Schiller (SBN 330653)

David L. Simons (*pro hac vice*)
55 Hudson Yards, 20th Floor
New York, NY 10001
(914) 749-8200
jischiller@bsfllp.com
dsimons@bsfllp.com

*Interim Lead Counsel for Individual and
Representative Plaintiffs and the Proposed Class*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:23-cv-03417-VC

**DECLARATION OF REED D. FORBUSH
IN SUPPORT OF THE PARTIES' JOINT
LETTER BRIEF**

I, Reed D. Forbush, declare as follows:

1. I am an attorney duly licensed to practice in the State of California. I am counsel in the San Francisco, California office of Boies Schiller Flexner, LLP (“BSF”), interim lead counsel for Plaintiffs in the above-captioned action. I have personal knowledge of the matters stated herein and, if called upon, I can competently testify thereto. I make this declaration pursuant to 28 U.S.C. § 1746 and Local Rule 6-3 in support of the Parties’ Joint Letter Brief.

2. Attached as Exhibit A is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00048202.

3. Attached as Exhibit B is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00080096.

4. Attached as Exhibit C is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00088838.

5. Attached as Exhibit D is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00093952.

6. Attached as Exhibit E is a true and correct copy of the transcript of the deposition of Ahmad Al-Dahle, which took place on October 3, 2024.

7. Attached as Exhibit F is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00044964.

8. Attached as Exhibit G is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00037448.

9. Attached as Exhibit H is a true and correct copy of article titled “Meta profits surge 35% as the AI spending spree continues,” published by *Quartz*.

10. Attached as Exhibit I is a true and correct copy of an email and amended notice of a 30(b)(6) deposition Plaintiffs’ counsel sent to Defendant’s counsel on October 8, 2024.

11. Attached as Exhibit J is a true and correct copy of an email chain between Plaintiffs’ counsel and Defendant’s counsel from October 15 to October 17, 2024.

12. Attached as Exhibit K is a true and correct copy of an email sent from Plaintiffs' counsel to Defendant's counsel on October 18, 2024.

13. Attached as Exhibit L is a true and correct copy of an email chain between Plaintiffs' counsel and Defendant's counsel from October 18 to October 28, 2024.

14. Attached as Exhibit M is a true and correct copy of Defendant's Responses and Objections to Plaintiffs' Amended Notice of 30(b)(6) Deposition, dated October 28, 2024.

15. Attached as Exhibit N is a true and correct copy of an email chain between Plaintiffs' counsel and Defendant's counsel from October 15 to October 30, 2024.

16. Attached as Exhibit O is a true and correct copy of an article titled "Meta won't release its multimodal Llama AI model in the EU," published by *The Verge*.

17. Attached as Exhibit P is a true and correct copy of Assembly Bill No. 2013.

18. Attached as Exhibit Q is a true and correct copy of an article titled "Meta, OSI tussle definition of open source AI," published by *Axios*.

19. Attached as Exhibit R is a true and correct copy of an article titled "EU AI Act: The Essential Guide to Copyright Compliance for General-Purpose AI Models," published by *Chambers and Partners*.

20. Attached as Exhibit T is a true and correct copy of an email chain between Plaintiffs' counsel and Defendant's counsel from October 18 to October 21, 2024.

21. Attached as Exhibit U is a true and correct copy of an email chain between Plaintiffs' counsel and Defendant's counsel from September 19 to October 31, 2024.

22. Attached as Exhibit V is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00093962.

23. Attached as Exhibit W is a true and correct copy of the Northern District of California ESI Discovery Checklist.

24. Attached as Exhibit X is a true and correct copy of Volume 19 of the 2018 Sedona Conference Journal.

25. Attached as Exhibit Y is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00065244.

26. Attached as Exhibit Z is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00046267.

27. Attached as Exhibit AA is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00063329.

28. Attached as Exhibit BB is a true and correct copy of a document produced by Meta with the Bates number Meta_Kadrey_00047103.

29. Attached as Exhibit CC is a true and correct copy of a letter sent from Plaintiffs' counsel to Defendant's counsel on October 23, 2024.

30. Attached as Exhibit DD is a true and correct copy of a letter sent from Plaintiffs' counsel to Defendant's counsel on August 22, 2024.

31. Attached as Exhibit EE is a true and correct copy of an email chain between Plaintiffs' counsel and Defendant's counsel from September 19 to October 31, 2024.

32. Attached as Exhibit FF is a true and correct copy of an article titled "Copyright Office Issues Notice of Inquiry on Copyright and Artificial Intelligence," published by the U.S. Copyright Office.

33. Attached as Exhibit GG is a true and correct copy of Meta's submission to the U.S. Copyright Office on October 30, 2023.

34. Attached as Exhibit HH is a true and correct copy of an article titled "How Tech Giants Cut Corners to Harvest Data for A.I.," published by the *New York Times*.

35. Attached as Exhibit II is a true and correct copy of Meta's submission to the U.S. Copyright Office on October 30, 2023.

36. Attached as Exhibit JJ is a true and correct copy of an email letter sent from Plaintiffs' counsel to Defendant's counsel on October 23, 2024.

37. Attached as Exhibit KK is a true and correct copy of an article titled “Meta is bringing the voices of Judi Dench, John Cena and Keegan-Michael Key to its AI chatbot,” published by the *CNN Business*.

38. Attached as Exhibit LL is a true and correct copy of an article titled “Meta signs its first big AI deal for news,” published by *The Verge*.

39. Attached as Exhibit NN is a true and correct copy of email correspondence and an email letter sent from Plaintiffs' counsel to Defendant's counsel on October 9, 2024.

40. Attached as Exhibit OO is a true and correct copy of email correspondence and an email letter sent from Plaintiffs' counsel to Defendant's counsel on October 9, 2024.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 31st day of October 2024 in Emeryville, California.

By: /s/ Reed D. Forbush
Reed D. Forbush